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ARTICLE 6

RELATING TO FEES

SECTION 1. Section 5-65-8 and 5-65-9 of the General Laws in Chapter 5-65 entitled “Contractors’ Registration and Licensing Board” are hereby amended to read as follows:

5-65-8. Term of registration – Renewal – Registration identification card.

(a) A certificate of registration shall be valid for ~~two~~ one ~~(2)~~ (1) years from the date of issuance unless the registration is revoked or suspended as described in § 5-65-10. It may be renewed by the same procedure provided for an original registration upon application and furnishing of any additional supplemental information that the board may require by rule.

(b) The board shall issue a pocket-card certificate of registration to a contractor registered under this chapter including a picture of the registrant as prescribed by the board in the rules and regulations. The Rhode Island department of administration, division of motor vehicles, shall, upon the board's request, provide electronic copies of the digital photos of any registrant under this chapter on record to be incorporated into the contractors' registration data bank to match the drivers' licenses or IDs provided by registrants or applicants unless the applicant provides written notification to the board to the contrary.

(c) The board may vary the dates of registration renewal by giving to the registrant written notice of the renewal date assigned and by making appropriate adjustments in the renewal fee.

(d) The presentation of the registration or license identification card shall be mandatory at the time of permit application.

(e) If a registrant files in bankruptcy court, the board must be notified in writing by the registrant and kept informed of the status of the case until dismissed, discharged, or resolved in court.

5-65-9. Registration fee.

(a) Each applicant shall pay to the board:

(1) For original registration or renewal of registration, a fee of ~~two hundred dollars~~ one hundred and fifty dollars (\$150).

(2) A fee for all changes in the registration, as prescribed by the board, other than those due to clerical errors.

(b) All fees and fines collected by the board shall be deposited as general revenues to support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees

1 and fines collected by the board shall be deposited into a restricted-receipt account for the exclusive
2 use of supporting programs established by this chapter.

3 (c) On or before January 15, 2018, and annually thereafter, the board shall file a report with
4 the speaker of the house and the president of the senate, with copies to the chairpersons of the house
5 and senate finance committees, detailing:

6 (1) The total number of fines issued, broken down by category, including the number of
7 fines issued for a first violation and the number of fines issued for a subsequent violation;

8 (2) The total dollar amount of fines levied;

9 (3) The total amount of fees, fines, and penalties collected and deposited for the most
10 recently completed fiscal year; and

11 (4) The account balance as of the date of the report.

12 (d) Each year, the department of business regulation shall prepare a proposed budget to
13 support the programs approved by the board. The proposed budget shall be submitted to the board
14 for its review. A final budget request shall be submitted to the legislature as part of the department
15 of business regulation's annual request.

16 (e) New or renewal registrations may be filed online or with a third-party approved by the
17 board, with the additional cost incurred to be borne by the registrant.

18 SECTION 2. Sections 73-4 of Chapter 5 of the General Laws entitled "Roofing
19 Contractors" is hereby amended to read as follows:

20 **5-73-4. Registration fee.**

21 All roofing contractors shall submit a payment in the amount of four hundred dollars
22 (\$400), which shall support the licensing program, representing a license fee along with the
23 application referenced in § 5-73-3, and be required to comply with the provisions of chapter 65 of
24 this title and those provisions shall be interpreted to include commercial roofers as defined in this
25 chapter. Beginning July 1, 2008, all fines and fees collected pursuant to this chapter shall be
26 deposited into a restricted-receipt account for the exclusive use of supporting programs established
27 by the board. **The license shall expire every two (2) years on the anniversary date of the license's**
28 **issuance and may be renewed upon payment of a two hundred dollar (\$200) fee.**

29 SECTION 3. Section 7-11-206 of the General Laws in Chapter 7-11 entitled "Rhode Island
30 Uniform Securities Act" is hereby amended to read as follows:

31 **7-11-206. Licensing and notice fees; and filing requirements for federal covered**
32 **advisers.**

33 (a) A federal covered adviser or an applicant for licensing shall pay an annual fee as
34 follows:

(1) Broker-dealer three hundred dollars (\$300) and for each branch office one hundred dollars (\$100);

(2) Sales representative ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100.00);

(3) Investment adviser three hundred dollars (\$300);

(4) Investment adviser representative sixty dollars (\$60.00); and

(5) Federal covered adviser three hundred dollars (\$300).

(b) Except with respect to federal covered advisers whose only clients are those described in § 7-11-204(1)(i), a federal covered adviser shall file any documents filed with the U.S. Securities and Exchange Commission with the director, that the director requires by rule or order, together with any notice fee and consent to service of process that the director requires by rule or order. The notice filings under this subsection expire annually on December 31, unless renewed.

(c) A notice filing under this section is effective from receipt until the end of the calendar year. A notice filing may be renewed by filing any documents that have been filed with the U.S. Securities and Exchange Commission as required by the director along with a renewal fee of three hundred dollars (\$300).

(d) A federal covered adviser may terminate a notice filing upon providing the director notice of the termination, which is effective upon receipt by the director.

(e) Notwithstanding the provisions of this section, until October 11, 1999, the director may require the registration as an investment adviser of any federal covered adviser who has failed to promptly pay the fees required by this section after written notification from the director of the nonpayment or underpayment of the fees. A federal covered adviser is considered to have promptly paid the fees if they are remitted to the director within fifteen (15) days following the federal covered adviser's receipt of written notice from the director.

(f) For purposes of this section, "branch office" means any location where one or more associated persons of a broker-dealer regularly conducts the business of effecting any transactions in, or inducing or attempting to induce the purchase or sale of any security, or is held out as such, excluding:

(1) Any location that is established solely for customer service and/or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;

(2) Any location that is the associated person's primary residence; provided that:

(i) Only one associated person, or multiple associated persons who reside at that location and are members of the same immediate family, conduct business at the location;

1 (ii) The location is not held out to the public as an office and the associated person does
2 not meet with customers at the location;

3 (iii) Neither customer funds nor securities are handled at that location;

4 (iv) The associated person is assigned to a designated branch office, and such designated
5 branch office is reflected on all business cards, stationery, advertisements and other
6 communications to the public by such associated person;

7 (v) The associated person's correspondence and communications with the public are
8 subject to the firm's supervision in accordance with Rule 3010 of the Financial Industry Regulatory
9 Authority;

10 (vi) Electronic communications are made through the broker-dealer's electronic system;

11 (vii) All orders are entered through the designated branch office or an electronic system
12 established by the broker-dealer that is reviewable at the branch office;

13 (viii) Written supervisory procedures pertaining to supervision of sales activities conducted
14 at the residence are maintained by the broker-dealer; and

15 (ix) A list of the residence locations is maintained by the broker-dealer;

16 (3) Any location, other than a primary residence, that is used for securities business for less
17 than thirty (30) business days in any one calendar year, provided the broker-dealer complies with
18 the provisions of subsections (f)(2)(i) through (ix) above;

19 (4) Any office of convenience, where associated person(s) occasionally and exclusively by
20 appointment meet with customers, which is not held out to the public as an office;

21 (5) Any location that is used primarily to engage in non-securities activities and from which
22 the associated person(s) effects no more than twenty-five (25) securities transactions in any one
23 calendar year; provided that any advertisement or sales literature identifying such location also sets
24 forth the address and telephone number of the location from which the associated person(s)
25 conducting business at the non-branch locations are directly supervised;

26 (6) The floor of a registered national securities exchange where a broker-dealer conducts a
27 direct access business with public customers;

28 (7) A temporary location established in response to the implementation of a business
29 continuity plan.

30 (g) Notwithstanding the exclusions in subsection (f), any location that is responsible for
31 supervising the activities of persons associated with the broker-dealer at one or more non-branch
32 locations of the broker-dealer is considered to be a branch office.

1 (h) The term "business day" as used in subsection (f) shall not include any partial business
2 day provided that the associated person spends at least four (4) hours on such business day at his
3 or her designated branch office during the hours that such office is normally open for business.

4 (i) Where such office of convenience is located on bank premises, signage necessary to
5 comply with applicable federal and state laws, rules and regulations and applicable rules and
6 regulations of the New York Stock Exchange, other self-regulatory organizations, and securities
7 and banking regulators may be displayed and shall not be deemed "holding out" for purposes of
8 subsection (f)(4).

9 (j) If an application is denied or withdrawn or the license is revoked, suspended, or
10 withdrawn, the director is not required to refund the fee paid.

11 (k) The director may issue a stop order suspending the activities of a federal covered
12 adviser in this state if the director reasonably believes there has been a violation of the provisions
13 of this section.

14 SECTION 4. Section 23-1-34 of the General Laws in Chapter 23-1 entitled "Department
15 of Health" is hereby amended to read as follows:

16 **23-1-34. Health promotion income.**

17 (a) The director shall maintain an accurate and timely accounting of money received from
18 the sale of health promotional products, services, or data created by the department of health. This
19 money shall be deposited as general revenue.

20 (b) The director is authorized to establish reasonable fees for processing special data
21 analysis of health data. "Special data analysis" shall mean compiling and/or analyzing health-
22 related data in a manner not ordinarily kept in the course of business by the department of health
23 and not otherwise subject to the state's access to public records act (APRA) in chapter 2, title 38 of
24 the general laws. Special data requests are subject to the following requirements:

25 (1) Special data analysis requests shall include requests that require data analysis,
26 calculation, and interpretation. Requesters shall be notified in advance of costs for special data
27 analysis and shall be given an opportunity to not proceed.

28 (2) In its sole discretion, nothing herein shall require the department of health to process a
29 request for special data analysis.

30 (3) The fees collected for special data analysis shall be non-refundable, regardless of the
31 outcome of the special data analysis.

32 (4) The director shall have the authority to waive fees at his or her sole discretion.

33 (5) The final special data analysis shall be deemed to be public records in accordance with
34 APRA.

1 (c) The process for requesting special data analysis and fees shall be established through
2 the promulgation of rules and regulations, which also shall prohibit charging Rhode Island state
3 agencies fees for special data analysis. All fees collected for special data analysis shall be deposited
4 as general revenues, with approximately 50% of such fees collected appropriated to the department
5 of health on an annual basis to be used to sustain its capacity to manage and sustain data systems
6 necessary to meet data requester needs in a timely manner.

7 SECTION 5. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled “Licensing
8 of Health Care Facilities” is hereby amended to read as follows:

9 **23-17-38.1. Hospitals – Licensing fee.**

10 ~~(a) There is also imposed a hospital licensing fee at the rate of six percent (6%) upon the~~
11 ~~net patient services revenue of every hospital for the hospital's first fiscal year ending on or after~~
12 ~~January 1, 2017, except that the license fee for all hospitals located in Washington County, Rhode~~
13 ~~Island shall be discounted by thirty seven percent (37%). The discount for Washington County~~
14 ~~hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human~~
15 ~~Services of a state plan amendment submitted by the executive office of health and human services~~
16 ~~for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This~~
17 ~~licensing fee shall be administered and collected by the tax administrator, division of taxation~~
18 ~~within the department of revenue, and all the administration, collection, and other provisions of~~
19 ~~chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator~~
20 ~~on or before July 10, 2019, and payments shall be made by electronic transfer of monies to the~~
21 ~~general treasurer and deposited to the general fund. Every hospital shall, on or before June 14,~~
22 ~~2019, make a return to the tax administrator containing the correct computation of net patient~~
23 ~~services revenue for the hospital fiscal year ending September 30, 2017, and the licensing fee due~~
24 ~~upon that amount. All returns shall be signed by the hospital's authorized representative, subject to~~
25 ~~the pains and penalties of perjury.~~

26 ~~(b)~~ (a) There is also imposed a hospital licensing fee at the rate of six percent (6%) upon
27 the net patient-services revenue of every hospital for the hospital's first fiscal year ending on or
28 after January 1, 2018, except that the license fee for all hospitals located in Washington County,
29 Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington
30 County hospitals is subject to approval by the Secretary of the U.S. Department of Health and
31 Human Services of a state plan amendment submitted by the executive office of health and human
32 services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license
33 fee. This licensing fee shall be administered and collected by the tax administrator, division of
34 taxation within the department of revenue, and all the administration, collection, and other

1 provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax
2 administrator on or before July 13, 2020, and payments shall be made by electronic transfer of
3 monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before
4 June 15, 2020, make a return to the tax administrator containing the correct computation of net
5 patient- services revenue for the hospital fiscal year ending September 30, 2018, and the licensing
6 fee due upon that amount. All returns shall be signed by the hospital's authorized representative,
7 subject to the pains and penalties of perjury.

8 ~~(e)~~ (b) There is also imposed a hospital licensing fee for state fiscal year 2021 against each
9 hospital in the state. The hospital licensing fee is equal to ~~five~~ six percent ~~(5.0%)~~ (6.0%) of the net
10 patient-services revenue of every hospital for the hospital's first fiscal year ending on or after
11 January 1, 2018, except that the license fee for all hospitals located in Washington County, Rhode
12 Island shall be discounted by thirty-seven percent (37%). The discount for Washington County
13 hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human
14 Services of a state plan amendment submitted by the executive office of health and human services
15 for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This
16 licensing fee shall be administered and collected by the tax administrator, division of taxation
17 within the department of revenue, and all the administration, collection, and other provisions of
18 Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator
19 on or before July 13, 2021, and payments shall be made by electronic transfer of monies to the
20 general treasurer and deposited to the general fund. Every hospital shall, on or before June 15,
21 2020, make a return to the tax administrator containing the correct computation of net patient-
22 services revenue for the hospital fiscal year ending September 30, 2018, and the licensing fee due
23 upon that amount. All returns shall be signed by the hospital's authorized representative, subject to
24 the pains and penalties of perjury.

25 ~~(d)~~ (c) There is also imposed a hospital licensing fee for state fiscal year 2022 against each
26 hospital in the state. The hospital licensing fee is equal to six percent (6.0%) of the net patient-
27 services revenue of every hospital for the hospital's first fiscal year ending on or after January 1,
28 2020, except that the license fee for all hospitals located in Washington County, Rhode Island shall
29 be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is
30 subject to approval by the Secretary of the U.S. Department of Health and Human Services of a
31 state plan amendment submitted by the executive office of health and human services for the
32 purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This
33 licensing fee shall be administered and collected by the tax administrator, division of taxation
34 within the department of revenue, and all the administration, collection, and other provisions of

Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2022, and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 15, 2022, make a return to the tax administrator containing the correct computation of net patient-services revenue for the hospital fiscal year ending September 30, 2020, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.

(d) For purposes of this section the following words and phrases have the following meanings:

(1) "Hospital" means the actual facilities and buildings in existence in Rhode Island, licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital conversions) and § 23-17-6(b) (change in effective control), that provides short-term acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid managed care payment rates for a court-approved purchaser that acquires a hospital through receivership, special mastership, or other similar state insolvency proceedings (which court-approved purchaser is issued a hospital license after January 1, 2013) shall be based upon the newly negotiated rates between the court-approved purchaser and the health plan, and such rates shall be effective as of the date that the court-approved purchaser and the health plan execute the initial agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-13.4(b) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12) period as of July 1 following the completion of the first full year of the court-approved purchaser's initial Medicaid managed care contract.

(2) "Gross patient-services revenue" means the gross revenue related to patient care services.

(3) "Net patient-services revenue" means the charges related to patient care services less (i) charges attributable to charity care; (ii) bad debt expenses; and (iii) contractual allowances.

(e) The tax administrator shall make and promulgate any rules, regulations, and procedures not inconsistent with state law and fiscal procedures that he or she deems necessary for the proper administration of this section and to carry out the provisions, policy, and purposes of this section.

1 (f) The licensing fee imposed by subsection ~~(b)~~ (a) shall apply to hospitals as defined herein
2 that are duly licensed on July 1, ~~2019~~ 2020, and shall be in addition to the inspection fee imposed
3 by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

4 (g) The licensing fee imposed by subsection ~~(e)~~ (b) shall apply to hospitals as defined
5 herein that are duly licensed on July 1, ~~2020~~ 2021, and shall be in addition to the inspection fee
6 imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this
7 section.

8 SECTION 6. Section 42-17.1-9.1 of the General Laws in Chapter 42-17.1 entitled "User
9 fees at state beaches, parks, and recreation areas" is hereby amended to read as follows:

10 **42-17.1-9.1. User fees at state beaches, parks, and recreation areas.**

11 (a) The department of environmental management in pursuance of its administrative duties
12 and responsibilities may charge a user fee for any state beach, or recreational area under its
13 jurisdiction, and fees for the use of its services or facilities.

14 (b) The fee may be on a daily or annual basis, or both, and may be based on vehicle parking
15 or other appropriate means. The fees may recognize the contribution of Rhode Island taxpayers to
16 support the facilities in relation to other users of the state's facilities. The fee structure may
17 acknowledge the need to provide for all people, regardless of circumstances.

18 (c) An additional fee for camping and other special uses may be charged where appropriate.
19 Rates so charged should be comparable to equivalent commercial facilities.

20 (d) All such fees shall be established after a public hearing.

21 (e) All daily fees from beach parking, which shall also include fees charged and collected
22 at Ninigret conservation area and Charlestown breachway, shall be shared with the municipality in
23 which the facility is located on the basis of seventy-three percent (73%) retained by the state and
24 twenty-seven percent (27%) remitted to the municipality; provided, further, from July 1, 2016, until
25 October 1, 2021, the beach fees charged and collected under this subsection shall be equal to those
26 in effect on June 30, 2011.

27 (1) Notwithstanding subsection (e), effective July 1, 2021, the fees charged and collected
28 for facilities located in the town of Westerly may exceed those in effect on June 30, 2011, in an
29 amount to be reasonably determined by the department of environmental management.

30 (f) Fifty percent (50%) of all user and concession fees received by the state shall be
31 deposited as general revenues. For the year beginning July 1, 1979, the proportion of user and
32 concession fees to be received by the state shall be sixty-five percent (65%); for the year beginning
33 July 1, 1980, eighty-five percent (85%); and for the year beginning July 1, 1981, and all years
34 thereafter, one hundred percent (100%). The general revenue monies appropriated are hereby

1 specifically dedicated to meeting the costs of development, renovation of, and acquisition of state-
2 owned recreation areas and for regular maintenance, repair and operation of state owned recreation
3 areas. Purchases of vehicles and equipment and repairs to facilities shall not exceed four hundred
4 thousand dollars (\$400,000) annually. Notwithstanding the provisions of § 37-1-1 or any other
5 provision of the general laws, the director of the department of environmental management is
6 hereby authorized to accept any grant, devise, bequest, donation, gift, or assignment of money,
7 bonds, or other valuable securities for deposit in the same manner as provided above for user and
8 concession fees retained by the state.

9 (g) No fee shall be charged to any school or other nonprofit organization provided that a
10 representative of the school or other organization gives written notice of the date and time of their
11 arrival to the facility.

12 SECTION 7. Sections 44-19-1 and 44-19-2 of the General Laws in Chapter 44-19 entitled
13 “Sales and Use Taxes – Enforcement and Collection” are hereby amended to read as follows:

14 **44-19-1. Annual permit required – Retail business subject to sales tax – Promotion of**
15 **shows – Revocation of show permit.**

16 (a)(1) Every person desiring to engage in or conduct within this state a business of making
17 sales at retail, or engage in a business of renting living quarters in any hotel, rooming house, or
18 tourist camp, the gross receipts from which sales or rental charges are required to be included in
19 the measure of the tax imposed under chapter 18 of this title, shall file with the tax administrator
20 an application for a permit for each place of business. The application shall be in a form, include
21 information, and bear any signatures that the tax administrator may require. ~~At the time of making~~
22 ~~an application, the applicant shall pay to the tax administrator a permit fee of ten dollars (\$10.00)~~
23 ~~for each permit.~~ There shall be no fee for this permit. Every permit issued under this chapter expires
24 ~~on June 30 of each year~~ at the times prescribed by the tax administrator.

25 (2) Every permit holder shall annually, ~~on or before February 1~~ on forms prescribed and at
26 the times prescribed by the tax administrator ~~of each year~~, renew its permit by filing an application
27 ~~for renewal along with a ten dollars (\$10.00) renewal fee.~~ The renewal permit is valid for the period
28 July 1 of that calendar year through June 30 of the subsequent calendar year unless otherwise
29 canceled, suspended or revoked. All fees received under this section are allocated to the tax
30 administrator for enforcement and collection of all taxes.

31 (b)(1) Every promoter of a show shall, at least ten (10) days prior to the opening of each
32 show, file with the tax administrator a notice stating the location and dates of the show, in a form
33 prescribed by the tax administrator.

1 (2) The tax administrator shall, within five (5) days after the receipt of that notice, issue to
2 the promoter, without charge, a permit to operate the show, unless the provisions of subdivision (5)
3 of this subsection have been applied to the promoter. No promoter may operate a show without
4 obtaining the permit. The permit shall be prominently displayed at the main entrance of the show.

5 (3) Any promoter who is a retailer shall comply with all of the provisions of this chapter
6 and chapter 18 relating to retailers, in addition to all of the provisions of this chapter relating to
7 promoters.

8 (4) A promoter may not permit any person to display or sell tangible personal property,
9 services, or food and drink at a show unless that person is registered under subsection (a) of this
10 section and displays his or her permit in accordance with the provisions of subsection (a) of this
11 section.

12 (5) Any promoter who permits any person to display or sell tangible personal property,
13 services, or food and drink at a show who is not registered, or does not display a permit, or fails to
14 keep a record or file a monthly report of the name, address and permit number of every person
15 whom the promoter permitted to sell or display tangible personal property, services, or food and
16 drink at a show, is subject to revocation of all existing permits issued pursuant to this section to
17 operate a show, and to the denial of a permit to operate any show for a period of not more than two
18 (2) years, in addition to the provisions of § 44-19-31.

19 **44-19-2. Issuance of permit – Assignment prohibited – Display – Fee for renewal after**
20 **suspension or revocation.**

21 Upon receipt of the required application and permit fee, the tax administrator shall issue to
22 the applicant a separate permit for each place of business within the state. If the applicant, at the
23 time of making the application, owes any tax, penalty, or interest imposed under ~~chapters 18 and~~
24 ~~19 of~~ this title, then before a permit is issued the applicant shall pay the amount owed. A permit is
25 not assignable and is valid only for the person in whose name it is issued and for the transaction of
26 business at the place designated in the permit. The permit shall at all times be conspicuously
27 displayed at the place for which issued. ~~A retailer whose permit has been previously suspended or~~
28 ~~revoked shall pay to the tax administrator a fee of ten dollars (\$10.00) for the renewal or issuance~~
29 ~~of a permit.~~

30 SECTION 8. Sections 46-23-7.1, 46-23-7.3, and 46-23-7.4 of the General Laws in
31 Chapter 46-23 of entitled “Coastal Resources Management Council” are hereby amended to read
32 as follows:

33 **46-23-7.1 Administrative penalties.**

Any person who violates, or refuses or fails to obey, any notice or order issued pursuant to § 46-23-7(a); or any assent, order, or decision of the council, may be assessed an administrative penalty by the chairperson or executive director in accordance with the following:

(1) The chairperson or executive director is authorized to assess an administrative penalty of not more than ~~two thousand five hundred dollars (\$2,500)~~ ten thousand dollars (\$10,000) for each violation of this section, and is authorized to assess additional penalties of not more than ~~five hundred dollars (\$500)~~ one thousand (\$1,000) for each day during which this violation continues after receipt of a cease and desist order from the council pursuant to § 46-23-7(a), but in no event shall the penalties in an aggregate ~~equal or~~ exceed ~~ten thousand dollars (\$10,000)~~ fifty thousand dollars (\$50,000). Prior to the assessment of a penalty under this subdivision, the property owner or person committing the violation shall be notified by certified mail or personal service that a penalty is being assessed. The notice shall include a reference to the section of the law, rule, regulation, assent, order, or permit condition violated; a concise statement of the facts alleged to constitute the violation; a statement of the amount of the administrative penalty assessed; and a statement of the party's right to an administrative hearing.

(2) The party shall have twenty-one (21) days from receipt of the notice within which to deliver to the council a written request for a hearing. This request shall specify in detail the statements contested by the party. The executive director shall designate a person to act as hearing officer. If no hearing is requested, then after the expiration of the twenty-one (21) day period, the council shall issue a final order assessing the penalty specified in the notice. The penalty is due when the final order is issued. If the party shall request a hearing, any additional daily penalty shall not commence to accrue until the council issues a final order.

(3) If a violation is found to have occurred, the council may issue a final order assessing not more than the amount of the penalty specified in the notice. The penalty is due when the final order is issued.

(4) The party may within thirty (30) days appeal the final order, of fine assessed by the council to the superior court ~~which shall hear the assessment of the fine de novo.~~

46-23-7.3 Criminal penalties.

Any person who knowingly violates any provision of this chapter, the coastal resources management program, or any rule, regulation, assent, or order shall be guilty of a misdemeanor, and, upon conviction thereof shall be fined not more than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) or by imprisonment of not more than three (3) months or both; and each day the violation is continued or repeated shall be deemed a separate offense.

46-23-7.4 Penalty for blocking or posting of rights-of-way.

1 Any person who shall post or block any tidal water, public right-of-way, as designated by
2 the council, shall be punished by a fine not exceeding ~~five hundred dollars (\$500)~~ one thousand
3 dollars (\$1,000) or by imprisonment for not more than three (3) months or both; and each day the
4 posting or blocking continues or is repeated shall be deemed a separate offense. The chairperson
5 of the council, through council's legal counsel or the attorney general, may apply to any court of
6 competent jurisdiction for an injunction to prevent the unlawful posting or blocking of any tidal
7 water, public right-of-way.

8 SECTION 9. This article shall take effect July 1, 2021.